

Le 20 février 2020

Monsieur Claude Doucet
Secrétaire général
Conseil de la radiodiffusion
et des télécommunications canadiennes
Ottawa (Ontario) K1A 0N2

Re: **Broadcasting Notice of Consultation CRTC 2019-379** Renewal of the licences relating to the Canadian Broadcasting Corporation / Société Radio-Canada English-language audio-visual services (Application no. 2019-0282-5) and French language audio-visual services (Application no. 2019-0281-7)

Monsieur le secrétaire générale :

1. On Screen Manitoba is pleased to provide the following comments with respect to **CRTC 2019-379** Renewal of the licences relating to the Canadian Broadcasting Corporation / Société Radio-Canada English-language audio-visual services (Application no. 2019-0282-5) and French language audio-visual services (Application no. 2019-0281-7).
2. We wish to appear at the hearing scheduled for May 25, 2020.
3. We support the licence renewal of the Canadian Broadcasting Corporation / Société Radio-Canada (CBC/SRC) subject to our comments below.
4. *On Screen Manitoba est l'association de l'industrie de la production audio-visuelle du Manitoba. Nos membres sont des scénaristes, des réalisateurs, des producteurs, des syndicats, des fournisseurs de service, des festivals de films, et d'autres organismes et individus ayant un intérêt dans ce secteur au Manitoba. Ceux-ci représentent plus de 60 compagnies de production et fournisseurs de service, soit quelques 2000 individus.*
5. *Parmi nos membres se trouvent des individus des milieux anglophone, francophone, autochtone et multiculturel. La diversité linguistique et culturelle de la production indépendante au Manitoba est un atout qui enrichit le système de la radiodiffusion au Canada.*
6. *Nous demandons, donc, au CRTC de prendre en compte, avec chacune de ces décisions, le rôle essentiel que des créateurs et autres professionnels du milieu de la production audio-visuelle en région jouent pour assurer une diversité de voix dans le système de la télédiffusion au Canada.*

7. *Le Canada est un pays vaste avec un peuple diversifié de par ses langues, ses cultures et son vécu. Le système de la radiodiffusion a pour mandat de proposer aux canadiens l'occasion ; non seulement de recevoir de la programmation qui reflète cette diversité (y compris leur réalité locale), mais aussi de participer dans la création de ce contenu (et ceci pour des marchés en langue anglaise, française ou autochtone).*
8. On Screen Manitoba recognizes, and values, the special place CBC/Radio-Canada holds in the Canadian broadcasting system. As our national public broadcaster, its mandate is enshrined in the Broadcasting Act (section 3(l)(m)) and it receives an annual appropriation from the Government of Canada with which to carry out that mandate. With this privilege comes responsibilities. This includes the responsibility to connect Canadians across the country in both official languages and to facilitate the expression of the cultural, geographic, demographic and linguistic diversity of Canadian society through original independent programming of all types and genres as well as through in-house programming including sports, news and current affairs.
9. As it meets its programming obligations, CBC/SRC also fulfils a critical role in developing the independent Canadian production industry. The Broadcasting Act, the Commission and CBC/SRC typically speak about the requirement to reflect the diversity of Canadians. In its work with the independent production community across Canada, CBC/SRC has the opportunity, and we would say responsibility, to ensure that it fosters the expression of the linguistic, geographic, demographic and cultural diversity of Canada through productions that are conceived and produced in all regions of Canada by the people who live there for both English and French-language services.
10. On Screen Manitoba supports CBC/SRC's proposal of a condition of licence (COL) to hold formal consultations once every two years with Indigenous communities and parallel meetings with Indigenous producers in each of Atlantic Canada, Québec, Ontario, Western Canada and the North. This approach is modeled after CBC/SRC's COL 1 in Appendix 2 of Broadcasting Decision CRTC 2013-263, which On Screen Manitoba supports maintaining. It requires CBC/SRC to consult with official language minority communities (OLMCs) and with French language producers across the country. On Screen Manitoba has observed first-hand the value of these meetings for the French language media production community. Regular meetings with Indigenous producers will contribute to a better understanding of the challenges they face and will also bring to light their accomplishments and capacity to produce high-quality, original, independently-produced Canadian programming for local, national and international audiences.
11. Further, On Screen Manitoba asks the Commission to consider requiring CBC/SRC take their commitment to diversity a step further by adding a COL to meet with representatives of communities, and with producers who live and work outside of the major production centres Toronto, Montreal and Vancouver, in each of the five regions identified every two years. Producers in all regions of Canada and both official languages bring a wide range of cultural perspectives, experiences and storytelling capacity. As the national public broadcaster, CBC/SRC has both the opportunity and the responsibility to connect with and nurture the development of creators and producers in their home regions.
12. On Screen Manitoba is pleased to see that CBC/SRC proposes to expand the percentage of Canadian independently produced programming across both English and French-language services, but we are disappointed by and oppose its proposal to reduce the very few local

programming hours currently required as COL. The very few hours of local programming windows available through CBC/SRC English language services in Winnipeg for example are helping to identify new talent and are providing emerging documentary filmmakers with a first experience of working with a broadcaster. This is highly valued, and in light of the centralization of Canada's private broadcasters, we believe that CBC/SRC has a unique role to play in facilitating opportunity for independent producers to tell local stories as well as national and international stories.

13. We also believe that true regional expression includes content of all types and genres that is conceived, developed and produced by regionally-based creators and producers. Fostering this type of production in both official languages and with creators and producers who include Indigenous people, new Canadians and are representative of the diversity of Canada's population is part of the role of the CBC/SRC.
14. The Government of Canada confirmed its support of CBC/SRC's mandate in the Broadcasting and Telecommunications Legislative Review (BTLR) and the Report, recently published through that process confirms that CBC/SRC "plays a critical role in the current media landscape."¹
15. On Screen Manitoba agrees that CBC/SRC is integral to Canadian cultural expression. The CBC/SRC in its 2019 strategic plan titled *Your Stories, Taken to Heart* notes that audiences are front and center of its programming decisions and that its priorities include "customized digital services, engaging young audiences, prioritizing local connections, reflecting contemporary Canada and taking Canada to the world."
16. On Screen Manitoba agrees with the Commission that the CBC/SRC licence renewal should ensure its programming "reflects and meets the needs and interests of Canadians;" "is of high quality and supports Canadian producers and content creators;" and "is accessible and discoverable across Canada and abroad."²
17. The Commission also notes that Canadian audience behaviour is shifting as Canadians access a wide variety of platforms and distribution services online in addition to conventional television.
18. Driven by a desire to serve those audiences that are migrating from conventional television services to online viewing,³ CBC/SRC has expanded its conventional content distribution system to include online services. A logical development that is in keeping with its mandate to provide a "wide range of programming that informs, enlightens and entertains" and is "made available throughout Canada by the most appropriate and efficient means."
19. On Screen Manitoba believes that the Commission should take its cue from Canadian audiences and regulate CBC/SRC across all of its platforms and services. The Broadcasting Act states that the CRTC may licence services or exempt services from licencing.⁴ We agree with the Canada Media Producers Association (CMPA) and other intervenors that the CRTC can and should put in place COLs that consider both conventional and online platforms and services.

¹ Broadcasting and Telecommunications Report

² BNC CRTC 2019-379, para. 12.

³ Canadian Viewing Profiles, Media Technology Monitor, August 2019

⁴ *Broadcasting Act*, section 9.

20. On Screen Manitoba notes that the group-based licencing policy provides a proven model for regulating a variety of different programming services within one “ownership group” affording the broadcaster with flexibility to adapt to changing audience viewing patterns. The group-based approach relies on Canadian Programming Expenditure (CPE) requirements combined with exhibition hours and Programs of National Interest (PNI) requirements as a best practice to ensure COLs relative to Canadian programming obligations are met.
21. Indeed, a CPE requirement appears to be the most reasonable means to measure investment in Canadian programming at a time where even many viewers of conventional television are “PVRing” content and watching it at the time of their choosing, not unlike those who view content primarily online. It is simply not possible to compare an “online” hour of content with a broadcast hour where all audiences must access the content at the same time.
22. While audiences are moving towards watching content online there are still large segments of the population who prefer conventional television and exhibition requirements for Programs of National Interest (PNI) still have an important role to play in regulating the Canadian broadcasting system. Substantial numbers of Canadians still watch conventional television, and some Northern, remote and rural communities in Canada do not have access to high speed Internet and continue to rely entirely on conventional television viewing.
23. We agree with the CMPA that imposing CPE requirements on PNI and children’s and youth programming, in addition to the cross-platform exhibition hours proposed by CBC/SRC, would provide the public broadcaster with the flexibility to choose the appropriate platform or service for each production while ensuring it is investing in original, high-quality independent Canadian content.
24. Further, COL 16 of CBC/SRC’s current broadcast licence requires that “at least 6% of the current year’s broadcast programming expenditures on Canadian programming from independent production companies” be invested in “Canadian programming by independent production companies from the regions of the Atlantic, Ontario, the West, the North and Québec (excluding Montreal).” We agree with the *Alliance des producteurs Francophones du Canada* (APFC) that this COL demonstrates the effectiveness and feasibility of an expenditure-based approach.
25. For the reasons discussed above, and on the condition that the Commission puts in place PNI expenditure requirements, On Screen Manitoba would support CBC/SRC’s proposal of a minimum COL of 7 hours of PNI per week in prime time along with a cross-platform expectation of 10 hours of PNI per week on either CBC conventional television network and stations or digital platforms owned and operated by the licensee.
26. Many On Screen Manitoba members are involved in the production of documentary programming. We recognize the important role that documentary programming plays in informing and entertaining Canadians. We generally support the Documentary Organization of Canada’s (DOC) position that more resources should be dedicated to the production of documentary and that more programming “windows” on conventional television and online services should be made available to long and short form original, independently produced documentary.

27. At minimum the current COL that requires CBC/SRC to broadcast a minimum of 9 hours of PNI in prime time of which a minimum of 2 hours must be category 2(b) long-form documentary and 7 hours of drama and comedy should be maintained.
28. Further, On Screen Manitoba requests that the Commission maintain the COL that the Documentary Channel devote at least 75% of the evening broadcast period to independently produced Canadian programs.
29. We agree with the CMPA that the Commission should impose a new annual report on exhibition hours aimed at children's and youth programming on linear and digital platforms in order to better understand how CBC/SRC is serving young audiences and their families.
30. On Screen Manitoba supports maintaining CBC/SRC's current COL to broadcast a minimum of one Canadian feature film drawn from category 7(d) theatrical feature films aired on TV. We agree with the CMPA that an annual report on Canadian feature films broadcast on both linear and digital platforms is required to measure this COL.
31. On Screen Manitoba applauds CBC/SRC's pledge to increase investment in independent Canadian production. We support the following proposed COL and expectations:
 - a. COL #19: To increase the amount of independently-produced PNI in prime time from 5.25 hours per week to 80% of PNI;⁵
 - b. COL #20: To increase the number of independently-produced children's and youth programming from 75% to 80% of hours;⁶
 - c. New expectation: No less than 80% of all audio-visual Canadian content broadcast by CBC on the networks during the broadcast year, other than news, sports, and current affairs programming, be produced by Canadian independent production companies; and
 - d. New expectation: No less than 80% of all original first-run audio-visual Canadian content made available on CBC's digital platforms during the broadcast year, other than news, sports, and current affairs programming, be produced by Canadian independent production companies.
32. *Nous avons pris connaissance du mémoire soumis par l'APFC et nous appuyons sans réserve toutes leurs propositions. Notamment, nous voudrions souligner que nous trouvons que les propositions d'intégrer des CDL qui s'exprime sous forme de dépenses en émission canadienne (DÉC) qui se prêtent bien à un environnement qui comprend aussi bien la distribution conventionnelle de la télévision que la distribution en ligne.*
33. *On Screen Manitoba ne comprend pas et s'oppose aux propositions de CBC/SRC qui semblent réduire le rayonnement de la production indépendante en provenance des communautés de langue officielles en situation minoritaire (CLOSM). D'une part CBC/SRC préconise une approche qui comprends tous ces réseaux et services qu'il soit linéaire ou en ligne et d'autre part elle n'exprime pas d'attentes par rapport à la diffusion des émissions en provenance des CLOSM sur ses plateformes numériques. De plus CBC/SRC propose d'éliminer ses obligations par rapport à ARTV, et ceci aussi bien au niveau de sa distribution obligatoire dans des marchés de langue*

⁵ Broadcasting Notice of Consultation CRTC 2019-378, Appendix 2, p.v.

⁶ Ibid.

anglaise que ses obligations à dépenser une portion des budgets d'ARTV sur la production originale indépendante en provenance des CLOSM.

34. *On Screen Manitoba s'oppose fermement à la demande de CBC/SRC de ne pas renouveler le statut de distribution obligatoire d'ARTV dans les marchés de langue anglaise ainsi qu'à sa demande d'éliminer les CDL 2a) et 6. Nous appuyons la demande de l'APFC de maintenir ces CDL avec la nouvelle formulation proposée par l'APFC.*
35. *En ce qui concerne RDI et Explora, On Screen Manitoba appuie la demande d'augmenter de trois cents par mois le tarif de RDI ainsi que la CDL proposée par CBC/SRC pour Explora.*
36. In order for the COL discussed above in both the English and French-language markets to be meaningful, annual reporting is required. We support the CMPA and other intervenors in their request that CBC report annually on the amount of independently-produced programming for all genres of programming other than news, sports, and current affairs programming. We suggest that the "program information" table provided in the new annual production reports for large English- and French-language ownership groups would be appropriate.⁷ Further, in regard to the French language services we support the proposed items for annual reporting expressed in the APFC's intervention. The public, intervenors, the CRTC and CBC/ SRC would all benefit from more detailed, clear, annual reports that track CBC/SRC's performance relative to its COL.
37. Finally, in order to ensure that the independent production community can effectively work with CBC/SRC to achieve its mandate to provide Canadians with high quality original independent programming that is discoverable in Canada and abroad, we request that the Commission maintain the COL, which requires CBC to enter into a Terms of Trade agreement with the CMPA, and for Radio-Canada to enter a similar agreement with the Association québécoise de la production médiatique (AQPM) that includes the members of the APFC.
38. On Screen Manitoba appreciates this opportunity to provide its comments to the Commission.

Sincerely,



Nicole Matiation,
Executive Director / *Directrice générale*

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⁷ Appendix 6 to Broadcasting Information Bulletin CRTC 2019-304.